

TASK 7. OFF SITE INTERVIEWS AND FOLLOW UP

There will usually be one person conducting a specific investigation; that person would be responsible for completing the off site investigation interviews and following up any additional information. When a second person has assisted with the investigation, the chief investigator may designate off site tasks to that individual.

Document all attempts to contact witnesses and alleged perpetrator. When telephone contact has not been successful or is inconvenient, a certified letter may be sent to the individual. When it is practical, contacts should be made in person.

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TASK 8. OFF SITE INFORMATION ANALYSIS and DECISIONMAKING

Review all data relating to the incident and make a decision based on facts and witness credibility.

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TASK 9. REPORT PREPARATION

Compile the information into report form using the appropriate DFS and HCFA forms.

If a deficiency is cited it should be written in terms specific enough to allow a reasonably knowledgeable person to understand the aspect(s) of the requirement(s) that is(are) not met. The format should follow the current HCFA or DFS Licensure guidelines as applicable.

The facility administrator will be notified in writing of the outcome of the investigation upon completion and of any negative action taken or proposed against the facility.

The alleged perpetrator will be notified in writing by the program manager of the outcome of the investigation and any action to be taken against same in addition to what rights the perpetrator has to challenge the conclusion.

The facility has the right to appeal any negative action in accordance with the law and established DFS policies and procedures.

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**Procedure: ABUSE, NEGLECT AND MISAPPROPRIATION OF PROPERTY: ENTRY
OF SUBSTANTIATED FINDINGS INTO THE NURSE AIDE REGISTRY**

1. Notice to nurse aide by mail.
 - a. A letter notifying the nurse aide with a substantiated finding of abuse, neglect or misappropriation of property is to be filled out by the staff member investigating the allegation. The letter includes the notice of a substantiated finding, the intent to enter the finding into the nurse aide registry, the opportunity to appeal the finding through informal procedures and formal contested case hearing through the Office of Administrative Hearings, and the opportunity to submit a rebuttal to be entered into the nurse aide registry along with the finding.
 - b. The completed letter and the documentation of the investigation is reviewed and approved by the Program Manager.
 - c. The letter and documentation is then forwarded to the Chief of the Licensure Section for approval and signature.
 - d. The letter is sent to the nurse aide by certified mail.
2. Notice to nurse aide by publication.
 - a. If the registered letter returns nondeliverable, a notice of service of process by publication is filled out.
 - b. The notice by publication is sent to a newspaper circulated in the county where the nurse aide is believed to be located, or if there is no reliable information concerning the location of the nurse aide, then in a newspaper circulated in the county where the action is pending.
 - c. An affidavit is to accompany the notice of service of process by publication to the publishing newspaper.
 - d. A letter advising the newspaper to publish the notice once a week for three consecutive weeks and to sign and notarize the affidavit, filling in the three dates the notice ran in their paper is also to accompany the notice.

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3. Substantiated finding not contested by a nurse aide.
 - a. An entry of a substantiated finding is entered into the nurse aide registry by the tenth working day following the opportunity for appeal.
 - b. The nature of the allegation, the evidence that led to the conclusion the allegation was valid and, if submitted, a rebuttal statement by the nurse aide is entered with the nurse aide's listing on the registry.
 - c. The nurse aide is notified of the content of the entry by mail once the entry is made.
4. Substantiated finding appealed through informal procedures.
 - a. Upon receipt of a request for appeal through informal procedures, a meeting is scheduled for the nurse aide with the Section Chief.
 - b. The Section Chief determines the outcome of the substantiated finding.
 - c. The nurse aide is notified of the decision of the Section Chief by mail.
 - d. If the substantiated finding is upheld, an entry is made with the nurse aide's listing on the registry as in 3. b. above.
 - e. The nurse aide is notified of the content of the entry by mail once the entry is made.
5. Substantiated finding contested.
 - a. A petition for a contested case hearing is filed by the nurse aide with the Office of Administrative Hearings within the appeal time frame specified by G.S.131E-111 and in accordance with G.S. 150B.
 - b. If the substantiated finding is upheld by the Office of Administrative Hearing Judge and the Division Director, an entry is made of the finding with the nurse aide's listing on the registry as in 3. b. above including the date of the hearing and the outcome.
 - c. The nurse aide is notified of the content of the entry

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by mail once the entry is made.

6. Submission of a rebuttal statement.

- a. If a rebuttal statement disputing the allegation is submitted by the named nurse aide, the rebuttal statement is entered into the nurse aide registry with the substantiated finding.
- b. The rebuttal statement may be edited to ensure the statement is brief enough to fit into the space provided by the registry.
- c. The nurse aide is notified of the content of the entry by mail once the rebuttal statement is entered.

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ABUSE, NEGLECT AND MISSAPPROPRIATION OF PROPERTY:
POLICY AND PROCEDURES

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